## REMARKS

Reconsideration and allowance are respectfully requested in view of the following remarks.

By this amendment, claims 1, 9, 17 and 19 are amended. Claim 21 is added. Claims 2, 3, 7, 10, 11 and 15 are canceled without prejudice or disclaimer. Claims 1, 4-6, 8, 9, 12-14 and 16-21 are pending in the present application.

Selected examples of support for the amendments to claims 1 and 9 may be found in para. 0001 of the published specification and the original claims.

One example of support for new claim 21 may be found in original claims 1 and 7.


## Claim Objections

Claims 18 and 20 were objected to under 37 C.F.R. §1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

This objection is respectfully traversed as claims 18 and 20 properly depend from and further limit claims 17 and 19, respectively. Applicants respectfully submit that claims 18 and 20 depend from claims 1 and 9, both before and after the present amendment. If the Examiner still finds claims 18 and 20 objectionable, further clarification of this objection is respectfully requested.

Applicants respectfully request that these objections be withdrawn.

## Claim Rejections - 35 U.S.C. § 101

Claims 1-8 and 17-18 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. This rejection is respectfully traversed with respect to claims 1, 4-6, 8, 17 and 18. This rejection is moot with respect to claims 2, 3 and 7 as these claims have been cancelled.

Claim 1 has been amended to recite "a processor" and that "selected system options in the user interface are received by the processor and selected for the planning logic unit." The interaction of a specially programmed processor renders claim 1 patent eligible subject matter.

Claims 4-6, 8, 17 and 18 claim patent eligible subject matter at least because claims 4-6, 8, 17 and 18 depend from claim 1.

Applicants respectfully request withdrawal of this rejection.

## Claim Rejections Under 35 U.S.C. § 103

Claims 1-2, 4, 9-10, 12, 18 and 20 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Gonzalez et al. (U.S. Patent Application Publication No. 2003/0200149, hereinafter "Gonzalez") in view of Wookey (U.S. Patent Application Publication No. 2002/0147974 A1).

Claims 3, 11, 17 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzalez et al. in view of Wookey, further in view of Brown (U.S. 2003/0212780 A1).

Claims 7 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gonzalez, Wookey, and further in view of Te'eni et al. (U.S. Patent No. 6,725,452 B1).

Claims 5 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gonzalez et al. in view Wookey and further in view of Gazdik et al. (U.S. Patent No. 6,301,708 B1, hereinafter "Gazdik").

Claims 6 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gonzalez, Wookey and further in view of Chen et al. (U.S. Patent No. 7,409,685 B2, hereinafter "Chen").

Claims 8 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gonzalez, Wookey and further in view of Agulhon (U.S. Patent No. 6,912,543 B2).

Applicants note that the rejections of claims 2, 3 and 7 are moot as these claims have been cancelled and their limitations added to claim 1.

Applicants note that the rejections of claims 10, 11 and 15 are moot as these claims have been cancelled and their limitations added to claim 9.

The remaining rejections are respectfully traversed.

The dependencies among the individual system components cannot be automatically installed, configured and verified because a traditional distributed automation system includes a multiplicity of system components which are connected via a network structure, with the system components being operator stations, engineering stations, archiving stations, controllers with processing stations, input and output units and communication interfaces, for example. The software packages required for the network to be able to function are created and checked, with their functionalities, separately for each individual system component and are successively installed in each system component on the basis of a prescribed plan and are configured and checked separately for each system component, taking

account of the dependencies among the individual system components. Published specification, para. 0004.

The features of claim 1 are directed to a user interface, a planning logic unit, a data management unit, a planning database and an installation tool which interact to automatically handle the tasks that used to require extensive expert knowledge. Published specification, para. 0005.

Claims 1 and 9 include, among other features, a recitation directed to an "automation system." None of the cited art suggests or discloses an automation system. The cited art relates, generally, to personal computers.

Claims 1 and 9 have been amended to recite "the installation tool automatically checks the software packages taking account of <u>rules, stipulations and</u> dependencies <u>among the system components</u>." The Examiner has acknowledged that neither Gonzalez nor Wookey disclose this claim element.

The Examiner alleges that Te'eni discloses dependencies, but the claim recites rules, stipulations <u>and</u> dependencies. Rules, stipulations and dependencies are each separate features. E.g., published specification, para. 0014 and 0046.

Te'eni is directed to installing software, and thus checks dependencies. Te'eni, abstract. The present specification explains that rules and stipulations are useful for configuring the software, where Te'eni installs packages.

Te'eni does not suggest or disclose checking against "system components" because Te'eni, like the other cited art, is directed to personal computer systems. The specification states "system components being operator stations, engineering stations, archiving stations, controllers with processing stations, input and output units and communication interfaces, for example." None of the cited art suggests

such technologies. Such system components may be found in a distributed automation system, and are not found in a personal computer system.

Claim 1 recites "transfers the software packages to the installation tool." Claim 9 recites a similar element. The Examiner acknowledges that Gonzalez lacks this element.

Gonzalez cannot be combined with another reference, such as Wookey, to cure this defect as such a change would render Gonzalez unfit for its primary purpose. MPEP 2143.01. Gonzalez is directed to creating a network installation package (NIP). A Network Installation Manager is included within the NIP, so that a vendor can simply provide a NIP with the purchased hardware, and the customer can run the NIP to set everything up. Gonzalez, abstract.

Wookey is directed to running a survey script on a host computer. Wookey, abstract. This runs counter to the situation in Gonzalez, where the NIP is created in response to a customer ordering a hardware package. Because Gonzalez is directed to a situation where all of the hardware and software are already known, running a script not only doesn't make sense, it would render Gonzalez unfit for its primary purpose, as the host computer would need to be operational and connected to a network to download and run the survey script of Wookey. The point of the Gonzalez's NIP is to set up the hardware to make it operational and connect it to a network. Gonzalez, abstract.

Any system that transfers software packages to an installation tool would have a similar effect of Gonzalez, and thus render Gonzalez unfit for its primary purpose.

Claims 1 and 9 are allowable over Gonzalez, Wookey, Brown and Te'eni as none of these documents, alone or in combination, disclose or suggest each and every element of claims 1 and 9.

Claims 4-6, 8, 12-14 and 16-20 are allowable for at least the reasons above because claims 4-6, 8, 12-14 and 16-20 depend from claims 1 and 9 and because they recite additional advantageous features which further distinguish over the cited art. New claim 21 is allowable for at least the reasons above because it recites these elements.

**Conclusion**

From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested.

In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of present application may be expedited.

Respectfully submitted,

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